

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are presently active, and Claim 8 having been amended. No new matter has been added.

In the outstanding Office Action, Claims 1-4, 6 and 8-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka (U.S. Patent Application Publication No. 2003/0042525) and Claims 5, 7, 13 and 14 were rejected under 35 USC §103 as being unpatentable over Tanaka.

Regarding the rejection of Claims 1-14, Applicants respectfully traverse the outstanding grounds for rejection, because in Applicants' view, independent Claim 1 patentably distinguishes over Tanaka as discussed below.

Claim 1 recites "a second emitter layer of the first conductivity type selectively formed so as to be scattered in the surface layer of the base layer in each dummy region and having a surface area smaller than that of the first emitter layer". In this regard, the outstanding Office Action states "Fig. 13 (of Tanaka) clearly shows second emitter layer (C) smaller than first emitter (F). With respect to this comparison, drawings may not be interpreted as providing exact dimensions, but may be interpreted to indicate relative sizes." However, Fig. 13 of Tanaka shows a cross sectional view, not a plain view. From the cross sectional view, it cannot be determined whether a second emitter layer is selectively formed or not so as to be scattered in the surface layer of the base layer in each dummy region. The first emitter layer (F) and the second emitter (C) in Fig. 13 of Tanaka are no more than the emitter layers of the same constitution and have no difference in their constitution. Thus, Tanaka fails to teach or suggest "a second emitter layer of the first conductivity type selectively formed so as to be scattered in the surface layer of the base layer in each dummy region"

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recited in Claim 1. Further, Tanaka does not disclose difference in size of the emitter layers in plain view. Applicants wish to note that Claim 1 does not recite the comparison of the cross-sectional area of the emitter layers, but that of the surface area of the emitter layers. Thus, Tanaka fails to teach or suggest "a second emitter layer ... having a surface area smaller than that of the first emitter layer" recited in Claim 1.

Accordingly, independent Claim 1 patentably distinguishes over Tanaka. Therefore, independent Claim 1 and the pending Claims 2-14 dependent from Claim 1 are believed to be allowable.

Consequently, in light of the above discussions, Applicants respectfully request withdrawal of the rejection of Claims 1-14. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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